

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**RORY D. YOUNG,**

**Defendant.**

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**8:05CR370**

**ORDER**

Defendant Rory D. Young (Young) appeared before the court on April 7, 2008, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 36). Young was represented by Assistant Federal Public Defender Julie B. Hansen and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Young waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and that Young should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Young requested release to the custody of his mother and presented Exhibit 101, an emergency medical care report, which indicated Young suffered a seizure in March. Young proffered that the Salvation Army Rehabilitation Center would not permit him his medications and he did not return to the Center. Young did not provide any information that he kept his probation officer fully advised or that he received permission to remain out of the Center. Young's placement at the Center came after prior admissions of violations of supervised release when Chief Judge Bataillon provided Young an opportunity to demonstrate Young's rehabilitation before a final disposition of the prior violations. Since it is Young's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Young has failed to carry his burden and that Young should be detained pending a dispositional hearing before Chief Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on May 9, 2008**. Defendant must be present in person.

2. Defendant Rory D. Young is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 8th day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge